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Attorneys for Plaintiff and the Putative Class

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

AMELIA FOOS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ANN, INC., d/b/a Ann Taylor Retail, Inc., a
Delaware corporation,

Defendant.

Case No. 3:11-cv-2794-L-MDD

Judge M. James Lorenz

Magistrate Judge Mitchell D. Dembin

CLASS ACTION

**PLAINTIFF'S NOTICE OF MOTION
AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
PROPOSED CLASS SETTLEMENT**

COURTROOM: 14

DATE: July 23, 2012

TIME: 10:30 a.m.

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE
2 that on July 23, 2012 at 10:30 am in Courtroom 14 of the above captioned Court, the Honorable
3 M. James Lorenz presiding, Plaintiff Amelia Foos ("Plaintiff"), on behalf of herself and all
4 others similarly situated, will and hereby does move the Court for an Order:

- 5 1. Granting preliminary approval of the Settlement Agreement reached by the
6 parties;
- 7 2. Approving the proposed form and method of notice to Settlement Class Members;
- 8 3. Establishing a schedule for dissemination of the notice of settlement to Settlement
9 Class Members, as well as the deadlines for Settlement Class Members to submit claims, object
10 to, or request exclusion from the settlement;
- 11 4. Setting a hearing for final approval of the settlement and awarding Plaintiff's
12 counsel's application for an award of fees and costs; and
- 13 5. Approving the proposed order preliminarily approving settlement, submitted
14 herewith.

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17 This motion is brought pursuant to Fed. R. Civ. P. 23(e) and is based on this Notice of
18 Motion and Motion; the Memorandum of Points and Authorities, submitted herewith; the
19 Declaration of Joseph J. Siprut; the complete file and record in this action; the argument of
20 counsel; and such other and further evidence and argument as the Court may choose to entertain.
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1 Dated: June 21, 2012

Respectfully submitted,

2 AMELIA FOOS, individually and on behalf
3 of all others similarly situated

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5 By: s/ Todd Atkins
6 One of the Attorneys for Plaintiffs
7 and the Proposed Putative Classes

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18 --and--

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27 4815-4827-2143, v. 4

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing **PLAINTIFF'S NOTICE OF MOTION AND UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF PROPOSED CLASS SETTLEMENT** was filed this 21st day of June, 2012, via the electronic filing system of the Southern District of California, which will automatically serve all counsel of record.

/s/ Todd Atkins_____